

REMARKS

Applicants have received and carefully reviewed the Final Office Action of the Examiner mailed May 28, 2008 and the Advisory Action mailed August 18, 2008. Currently, claims 16-20 and 22-32 remain pending. Claims 16-20 and 22-32 have been rejected. In this Amendment, claims 16, 29, and 32 have been amended and new claims 33-36 have been added. No new matter is believed to have been added. Reconsideration of the following remarks is respectfully requested.

Advisory Action

Applicant notes that the Advisory Action mailed August 18, 2008 did not indicate whether the Amendment After Final filed July 28, 2008 would be entered or not. As the Amendment After Final included replacement drawings but no amendments to the claims, Applicants assume that the Amendment After Final was entered, and ask that of acceptance of the replacement drawings is indicated in the next communication from the Examiner.

Claim Rejections under 35 U.S.C. §102

On page 3 of the Final Office Action, claims 16-17, 20, 22, 24 and 29-32 were rejected under 35 U.S.C. §102(b) as being anticipated by Webster, Jr. (U.S. Patent No. 5,057,092). After careful review, Applicants respectfully traverse this rejection.

Turning to claim 16, which recites:

16. An intravascular catheter comprising an elongate shaft having a reinforcement layer comprising a tubular braid having a first helical member interwoven with a second helical member forming a plurality of crossover points and a plurality of axial members disposed between the first helical member and the second helical member at each of the plurality of crossover points.

Nothing in Webster, Jr. teaches or suggests at least “a plurality of axial members disposed between the first helical member and the second helical member at each of the plurality of crossover points”, as recited in claim 16.

Instead, Webster, Jr. discloses an intravascular catheter including an elongated catheter body having a flexible plastic inner wall 22, a braided reinforcing mesh 24 surrounding the inner wall 22, and a flexible plastic outer wall 30 surrounding the reinforcing mesh 24. The braided

reinforcing mesh 24 includes a plurality of interwoven helical members 26. Webster, Jr. teaches that, typically, half of the interwoven helical members 26 extend in one direction and the other half of interwoven helical members 26 extend in the counter direction. In addition, the braided reinforcing mesh 24 includes longitudinal warp members 28. However, the longitudinal warp members 28 are not disposed between the first and second helical members 26 at each of the plurality of crossover points. Instead, at numerous crossover points, both the first and second helical members 26 are on the same side of the longitudinal warp members 28. See, for example, Figure 2. As such, Webster, Jr. does not teach or suggest the longitudinal warp members 28 disposed between the first and second helical members at each of the plurality of crossover points.

As the Examiner is well aware, “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987) (MPEP § 2131). In view of the foregoing, Webster, Jr. fails to teach each and every element of claim 16. Therefore, for at least these reasons, claim 16 is believed to be not anticipated by Webster, Jr. Furthermore, there is no reason to modify the teachings of Webster, Jr. to arrive at the claimed invention. Thus, claim 16 is clearly patentable over Webster, Jr. For at least similar reasons and other, claims 17, 20, 22 and 24, which depend from claim 16 and include additional limitations, are believed to be patentable over Webster, Jr.

Turning to claim 29, which recites:

29. A method of making a portion of a shaft of an intravascular catheter, the method comprising the steps of:

braiding a first helical member and a second helical member about a carrier forming a plurality of crossover points such that a plurality of axial members are disposed between the first and second helical members at each of the plurality of crossover points.

As discussed previously, nowhere does Webster, Jr. teach or suggest “braiding a first helical member and a second helical member about a carrier forming a plurality of crossover points such that a plurality of axial members are disposed between the first and second helical members at each of the plurality of crossover points”, as recited in claim 29. Therefore, for at least these reasons, claim 29 is believed to be patentable over Webster, Jr. For similar reasons and others,

claims 30-32, which depend from claim 29 and include additional limitations, are believed to be patentable over Webster Jr.

Claim Rejections under 35 U.S.C. §103

On page 4 of the Final Office Action, claims 18-20, 31-32 were rejected under 35 U.S.C. §103(a) as being unpatentable over Webster, Jr. (U.S. Patent No. 5,057,092). After careful review, Applicant must respectfully traverse this rejection. As discussed previously, claims 16 and 29 are believed to be clearly patentable over Webster, Jr. Therefore, for similar reasons and others, and because claims 18-20 and 31-32 depend from claim 16 and claim 29, respectively, claims 18-20 are believed to be clearly patentable over Webster, Jr.

On page 5 of the Final Office Action, claims 23 and 25-28 were rejected under 35 U.S.C. §103(a) as being unpatentable over Webster, Jr. (U.S. Patent No. 5,057,092) in view of Mortier et al. (U.S. Patent No. 5,730,733). After careful review, Applicants respectfully traverse this rejection. As discussed previously, claim 16 is believed to be patentable over Webster, Jr., and nothing in Mortier et al. remedies the above-noted shortcomings of Webster, Jr. Therefore, for at least these reasons, claims 23 and 25-28, which depend from claim 16 and include additional limitations, are believed to be patentable over Webster, Jr. and Mortier et al.

Newly Presented Claims

With this Amendment, Applicants have added newly presented claims 33-36. For similar reasons discussed above, as well as others, new claims 33-36 are believed to be patentable over the cited references.

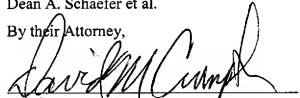
Conclusion

In view of the foregoing, all pending claims are believed to be in a condition for allowance. Reexamination and reconsideration are respectfully requested. Issuance of a Notice of Allowance in due course is anticipated. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

Dean A. Schaefer et al.

By their Attorney,

A handwritten signature in black ink, appearing to read "David M. Crompton", is written over a horizontal line.

David M. Crompton, Reg. No. 36,772
CROMPTON, SEAGER & TUFTE, LLC
1221 Nicollet Avenue, Suite 800
Minneapolis, MN 55403-2420
Telephone: (612) 677-9050
Facsimile: (612) 359-9349

Date: _____

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